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By ECF

May 8, 2024

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. David Peres, No. 23 Cr. 194 (S.D.N.Y.)*

Your Honor:

With the government's consent, I write to request an adjournment of sentencing from May 29, 2024 to July 11 at 2:00. As the Court is aware, the Marshals are housing Mr. Peres at the Windsor Park Nursing Home because his medical condition is such that the MDC could not provide him with adequate care. Mr. Peres is unable to walk and a diagnosis for that condition has so far been elusive. Since at least as early as January 2023, a follow-up visit with a neurologist or neurosurgeon was recommended. Mr. Peres had that visit in March of this year.

Although the medical notes that the MDC keeps in its possession have, in the past, included notes from visits to outside providers like Brooklyn Hospital, the MDC does not have the notes from the March 2024 neurology appointment, which took place at Brookdale Hospital.

Following Brookdale's instructions for requesting medical records, I emailed a request to the hospital on April 24. On May 2, I checked the status of the request and was informed that the records department had missed my email. That same day I faxed the request and received confirmation that the request would be processed. I was informed, however, that it would take thirty days from the date of the May 2 request for Brookdale to produce the records and that they could be delivered only in hard copy. I understand that Probation Officer Nichole Brown-Morin has likewise been unsuccessful in obtaining the records.

Brookdale informed me that they can produce the records sooner than early June provided that I serve them with a court order. I have enclosed a proposed order with this letter.

For these reasons, I am seeking an adjournment of the May 29 sentencing hearing. Chambers has informed me that July 11, 2024, at 2:00 PM is a convenient time for the Court. The original sentencing date was April 2, 2024. This is the second request for an adjournment. The previous request was granted. I have conferred with AUSA Benjamin Klein, who advises me that the government has no objection to this request. Because the details of Mr. Peres's physical limitations promise to be relevant at sentencing, Probation requests an adjournment of the

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disclosure deadline for the final version of the PSR to two weeks before sentencing. Thank you for your attention to this application.

Respectfully submitted,



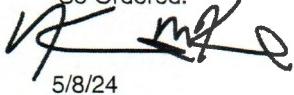
Ezra Spilke

encl.

cc: All counsel of record, by ECF
Nichole Brown-Morin, USPO, by email

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Granted.
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So Ordered.


5/8/24